

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

2 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 17-16027 CMG
GIANNI N. SPRADLEY, Judge: GRAVELLE

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 7/27/18
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: HR Initial Debtor: GS Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ _____ ** per _____ MONTH to the Chapter 13 Trustee, starting on
_____ APRIL OF 2017 for approximately _____ 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

** i. \$3,775 paid in to date through July of 2018 (Over 16 months);

ii. \$255 per month, starting in August of 2018, for a period of twenty (20) months

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2,373 (Orig. Fee)
DOMESTIC SUPPORT OBLIGATION	<input checked="" type="checkbox"/>	

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
MIDLAND CREDIT MANAGEMENT	REAL PROP. RE: AT 1007 N. OAKS BLVD., N. BRUNSWICK, NJ	\$2,388.94	\$169,000	DITECH FINANCIAL IAO \$169,590.98 AS TO BOTH OBLIGATIONS	NO VALUE	N/A	NO VALUE
THE OAKS AT NORTH BRUNSWICK CONDO ASSOC.		\$33,211	\$169,000		\$1,920.6 MONTH PRIORITY; REST UNSECURED	N/A	\$1,920.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

- i. Ditech Financial, LLC, continued payments, regarding mortgage encumbering real property, re: 1007 N. Oaks Blvd., N. Brunswick, NJ, no arrears, loan was modified. Continued payments by the Debtor directly to Ditech Financial, LLC. ii. Continued direct payment on association dues to The Oaks at North Brunswick Condo Assoc.

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
MIDLAND CREDIT MANAGEMENT	JUDGMENT LIEN AGAINST REAL PROPERTY	\$2,388.94	\$169,000	DITECH FINANCIAL IAO \$169,590.98	NO VALUE	ENTIRE LIEN IAO \$2,388.94

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
THE OAKS AT NORTH BRUNSWICK CONDO. ASSOCIATION	LIEN AGAINST RP RE: 1007 N. OAKS BLVD., N. BRUNSWICK, NJ	\$33,211.62	\$169,000	\$1,920 REPRESENTING THE SIX MONTH PRIORITY	\$31,291.62

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Counsel Fees & Supp. Counsel Fees (Paid before other Claims)
- 3) Secured Claims and then Priority Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: MAY 7, 2017.

Explain below **why** the plan is being modified:

REQUIRED BY THE ORDER APPROVING THE LOAN MODIFICATION. NOTE, SCHEDULE J ALREADY FILED AS PER ORDER. NOTE AS TO MOTIONS, ALREADY GRANTED IN ORIGINAL PLAN.

Explain below **how** the plan is being modified:

THE PLAN IS CONTINUING, IN THE SAME AMOUNT AS ORIGINALLY CONFIRMED, FOR A TOTAL PERIOD OF 36 MONTHS AS CALLED FOR IN THE ORIGINAL PLAN. THE CONFIRMING ORDER, REQUIRING 60 MONTHS, WAS NOT CORRECT.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: JULY 27, 2018

/S/ HERBERT B. RAYMOND, ESQ.
Attorney for the Debtor

Date: JULY 27, 2018

/S/ GIANNI N. SPRADLEY
Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: JULY 27, 2018

/S/ HERBER B. RAYMOND, ESQ.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: JULY 27, 2018

/S/ GIANNI N. SPRADLEY
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Gianni N Spradley
DebtorCase No. 17-16027-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 27

Date Rcvd: Jul 30, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 01, 2018.

db +Gianni N Spradley, 1007 North Oaks Blvd., North Brunswick, NJ 08902-2150
 cr +C/o Giaimo and Assoc The Oaks at North Brunswick C, 97 E. River Road, Rumson, NJ 07760-1625
 cr +DITECH FINANCIAL LLC, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437

lm +Ditech Financial, LLC., 1100 Virginia Drive, Ste 100A, Fort Washington, PA 19034-3276
 516934003 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516727765 +Convergent Outsourcing, 800 Sw 39th Street, Renton, WA 98057-4975
 516995471 +DIRECT TV, LLC, 4515 N. Santa Fe Ave., Oklahoma City, OK 73118-7901
 516727766 ++DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
 (address filed with court: Directv, PO Box 9001069, Louisville, KY 40290-1069)
 516727768 +++DITECH FINANCIAL, LLC, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311
 (address filed with court: Ditech Financial, LLC, 332 Minnesota Street, Ste. 610, Saint Paul, MN 55101)
 516992650 Directv, LLC, by American InfoSource LP as agent, PO Box 5008, Carol Stream, IL 60197-5008
 516727767 +Ditech Financial, 1100 Virginia Dr #100A, Fort Washington, PA 19034-3276
 516727770 +Midland Credit Management, 500 West 1st Street, Hutchinson, KS 67501-5222
 516727772 Pluese, Becker & Saltzman, 20000 Horizon Way, Ste. 900, Mount Laurel, NJ 08054-4318
 516727773 +Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020
 516727774 +The Oaks at North Brunswick Condominium, Attn: UBE, Inc., One Willow Pond Drive, Howell, NJ 07731-3085
 516734522 +The Oaks at North Brunswick Condominium Associatio, c/o Giaimo & Associates, LLC, 97 E. River Road, Rumson, New Jersey 07760-1625

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 31 2018 00:09:25 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

516727764 E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Jul 31 2018 00:09:20 Asset Acceptance,
 PO Box 2036, Warren, MI 48090-2036

516727762 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Jul 31 2018 00:09:20 Asset Acceptance,
 PO Box 771, Woodbury, NJ 08096-7771

516727763 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Jul 31 2018 00:09:20 Asset Acceptance,
 PO Box 771, 15 E. Centre Street, Woodbury, NJ 08096-2415

516834644 E-mail/Text: bankruptcy.bnc@ditech.com Jul 31 2018 00:09:05
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154, Rapid City, South Dakota 57709-6154

516727769 +E-mail/Text: bnckohlsnotices@becket-lee.com Jul 31 2018 00:08:49 Kohls/Capone,
 N56 W 17000 Ridgewood Drive, Menomonee Falls, WI 53051-7096

516727771 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 31 2018 00:09:24 Midland Credit Management,
 PO Box 939019, San Diego, CA 92193-9019

516995958 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 31 2018 00:09:24
 Midland Credit Management, Inc. as agent for, Asset Acceptance LLC, Po Box 2036, Warren MI 48090-2036

516731740 +E-mail/PDF: gecsedirecoverycorp.com Jul 31 2018 00:07:06 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

516865828 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 31 2018 00:07:51 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 11

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 27

Date Rcvd: Jul 30, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 01, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 27, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Alexandra T. Garcia on behalf of Creditor Ditech Financial LLC NJECFMAIL@mwc-law.com,
nj-ecfmail@ecf.courtdrive.com
Celine P. Derkrikorian on behalf of Creditor Ditech Financial LLC njecfmail@mwc-law.com
Herbert B. Raymond on behalf of Debtor Gianni N Spradley bankruptcy123@comcast.net,
jeff.raymond@comcast.net; raymondmail@comcast.net; carol-raymond@comcast.net; bankruptcyattorneys@co
mcast.net; herbertraymond@gmail.com; carbonell_c@hotmail.com; kdelyon.raymond@gmail.com
Kaitlyn R. Bernaski on behalf of Creditor C/o Giaimo and Assoc The Oaks at North Brunswick
Condominuim Association, Inc. kbernaski@giaimoandassociates.com
Nicholas V. Rogers on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com
Peter Joseph Rosa, I on behalf of Creditor C/o Giaimo and Assoc The Oaks at North Brunswick
Condominuim Association, Inc. prosa@giaimoandassociates.com
Thomas Vincent Giaimo on behalf of Creditor C/o Giaimo and Assoc The Oaks at North Brunswick
Condominuim Association, Inc. tgiaimo@giaimoandassociates.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9